

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANDREW M. OBREGON,

Plaintiff,

ORDER

v.

HSU MANAGER BARKER, et al.

Case No. 23-cv-681-jdp

Defendants.

On October 3, 2023, this court entered an order directing plaintiff Andrew M. Obregon to submit by October 24, 2023, the \$402 filing fee¹ or a motion for leave to proceed in forma pauperis supported by a certified copy of his trust fund account statement for the six-month period preceding the filing of his complaint. Now plaintiff has submitted a motion to use release account funds to pay the entire filing fee.

With the exception of initial partial payments, federal courts lack the authority to tell state officials whether and to what extent a prisoner should be able to withdraw money from a release account. Plaintiff cannot use release account funds to pay the entire filing fee, so his motion will be denied.

Plaintiff also submitted a motion leave to proceed without prepayment of the filing fee along with a trust fund account statement for a two-week period, from September 23, 2023, to October 9, 2023. This statement is insufficient to determine if plaintiff qualifies for indigent status. He must submit a certified copy of his inmate trust fund account statement (or institutional equivalent) for the six-month period preceding the filing of his complaint.

¹ Effective December 1, 2020, the total fee for filing a civil action is \$402 — a \$350 statutory fee plus a \$52 administrative fee that does not apply to persons granted *in forma pauperis* status under 28 U.S.C. § 1915.

For this case to proceed, plaintiff must submit a certified trust fund account statement no later than November 6, 2023. If I find that plaintiff is indigent, I will calculate an initial partial payment that must be paid before the court can screen his complaint under 28 U.S.C. § 1915(e)(2). After that, plaintiff will be required to pay the balance of the filing fee in installments.

ORDER

IT IS ORDERED that:

1. Plaintiff Andrew M. Obregon's request to use release account funds to pay the entire \$402 filing fee for this case (Dkt. #5) is DENIED.
2. Plaintiff may have until November 6, 2023, to submit a certified trust fund account statement for the period beginning approximately April 2, 2023 and ending approximately October 2, 2023. If, by November 6, 2023, plaintiff fails to respond to this order, I will assume that plaintiff wishes to withdraw this action voluntarily. In that event, the case will be closed without prejudice to plaintiff filing the case at a later date.

Entered this 18th day of October, 2023.

BY THE COURT:

/s/_____
ANDREW R. WISEMAN
United States Magistrate Judge